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Attorney Docket No.: 9045-2CT

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of Barry et al.

Examiner: J. Hayes

Serial No.: 09/523,532

Group Art Unit: 2761

Filed: March 10, 2000

For: *SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR GUIDING THE SELECTION OF THERAPEUTIC TREATMENT REGIMENS*

Date: August 2, 2000

Commissioner for Patents
Washington, D.C. 20231

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TERMINAL DISCLAIMER UNDER 37 C.F.R. 1.321(b)

Sir:

I, Kenneth D. Sibley, am an attorney of record of the disclaimant, Triangle Pharmaceuticals, Inc., and am authorized to execute this disclaimer on behalf of Triangle Pharmaceuticals, Inc. The disclaimant, Triangle Pharmaceuticals, Inc., having a principal place of business at 4 University Place, 4611 University Drive, Durham, North Carolina 27707, is the owner of all right, title, and interest in the above-identified application, by Assignments filed April 1, 1999, and recorded at Reel 9884, Frames 0082 and 0090.

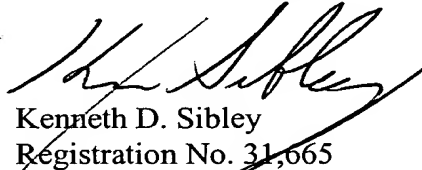
The disclaimant hereby disclaims the terminal part of any patent granted on the above-identified application which would extend beyond the expiration date of the full statutory term of United States Patent No. 6,081,786 (corresponding to United States Application Serial No. 09/283,702, filed April 1, 1999), entitled *SYSTEMS, METHODS AND COMPUTER PROGRAM PRODUCTS FOR GUIDING THE SELECTION OF THERAPEUTIC TREATMENT REGIMENS*, which patent was assigned to the above-identified disclaimant by Assignments recorded on April 1, 1999, and recorded at Reel 9884, Frames 0082 and 0090.

Disclaimant further agrees that any patent so granted on the above-identified application, which is the subject of this disclaimer, shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to U.S. Patent No. 6/081,786, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors, or assigns.

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Nothing herein shall be construed as a disclaimer of any terminal part of any patent granted on the above-identified application which is prior to the expiration of the full statutory term of U.S. Patent No. 6,081,786 in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

Respectfully submitted,



Kenneth D. Sibley
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**SUBMISSION OF TERMINAL DISCLAIMER
UNDER 37 C.F.R. § 1.321(b)**

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Sir:

Applicant hereby submits the enclosed Terminal Disclaimer Under 37 C.F.R. § 1.321 for the above referenced application. Also enclosed is a check in the amount of \$55 [37 C.F.R. § 1.20(d)] to cover the fee for filing a Terminal Disclaimer. The Examiner is authorized to charge Deposit Account No. 50-0220 for any additional fee which may be required or credit any overpayment.

Respectfully submitted,

Kenneth D. Sibley
Registration No. 31,665

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231, on August 2, 2000.

Kenneth D. Sibley

Date of Signature: August 2, 2000